

ENTERED

July 18, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

THE JOHNS LAW FIRM, LLC, §
§
Plaintiff, §
§
VS. § CIVIL ACTION NO. 4:22-CV-01877
§
ANGELA PAWLIK, §
§
Defendant. §

ORDER

Before the Court are United States Magistrate Judge Yvonne Y. Ho's Memorandum and Recommendation filed on June 12, 2023 (Doc. #48), Defendant Angela Pawlik's Objections (Doc. #49), and Plaintiff the Johns Law Firm, LLC's Response (Doc. #50). The Magistrate Judge's findings and conclusions are reviewed de novo. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Having reviewed the parties' arguments and applicable legal authority, the Court adopts the Memorandum and Recommendation as its Order.

Despite Defendant's objections, the Court agrees with Judge Ho's finding that Defendant's declaratory judgment counterclaim is duplicative of viable claims already in the lawsuit and that Defendant's tort claims are not cognizable. Defendant fails to cite to any legal authorities to support her arguments that Judge Ho's findings were in error. *See* Doc. #49.

As such, the Court adopts Judge Ho's Memorandum and Recommendation and finds that Plaintiff's Amended Motion for Partial Judgment on the Pleadings (Doc. #44) is GRANTED. Further, Defendant's counterclaims asserted in her Amended Answer (Doc. #39) are DISMISSED.

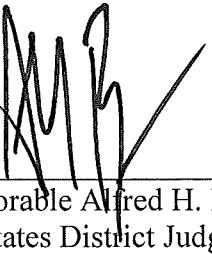
Finally, Plaintiff's first Motion for Partial Judgment on the Pleadings (Doc. #25) is hereby DENIED AS MOOT.

Plaintiff's claims for breach of contract and quantum meruit, and Defendant's Motion for Partial Summary Judgment (Doc. #42) remain before the Court.

It is so ORDERED.

Date

JUL 18 2023



The Honorable Alfred H. Bennett
United States District Judge